

## REMARKS

The Applicant appreciates the time taken by the Examiner to review the Applicant's present application. This application has been carefully reviewed in light of the Examiner's comments, including the Office Action mailed January 23, 2008. The Applicant respectfully requests reconsideration and favorable action in this case.

### Summary of rejections and amendments

The Examiner previously rejected claims 1, 3-11 and 14-21 under 35 U.S.C. 103(a). The Applicant has amended claims 2 and 12, canceled claims 1, 3-11 and 14-21, and added new claims 22-38. Claims 2, 12-13 and 22-38 are therefore pending in the application.

### Rejections under 35 U.S.C. §103

Claims 1, 3, 8, 11, 15 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,765,931 ("Rabenko") in view of U.S. Patent No. 6,044,113 ("Oltean"). Claims 9 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rabenko in view of Oltean and further in view of U.S. Patent No. 5,367,162 ("Holland"). Claims 4 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rabenko in view of Oltean and further in view of U.S. Patent No. 4,641,326 ("Tomisawa"). Claims 5, 6, 7 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rabenko in view of Oltean and further in view of U.S. Patent No. 5,621,805 ("Loh"). Claims 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rabenko in view of Oltean and further in view of U.S. Patent No. 6,665,338 ("Midya"). Claims 10 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rabenko in view of Oltean and further in view of Holland and Loh. The Applicant respectfully submits that, because the rejected claims have been canceled, the rejections are moot.

The Applicant has canceled claims 1, 3-11 and 14-21 and has added new claims 22-38, which are believed to claim the invention in a manner which more clearly distinguishes the claims from the prior art. The new claims are directed to systems and methods in which a sample rate converter receives first and second input data streams and converts each of the input data streams from their respective input sample rates to a predetermined output sample rate. Rather than providing separate sample rate converters for each input data stream, one

sample rate converter is used to estimate the sample rate of only one of the data streams and then determine the sample rate of the other data stream by multiplying the first sample rate by a ratio of the clock cycles in the data streams' respective sample periods. The sample rates are then used to convert each of the input data streams to a single, predetermined output sample rate.

The Applicant respectfully submits that none of the prior art of record in the application teaches a sample rate converter that determines the sample rates of multiple input data streams and then converts that data streams to a predetermined output sample rate as recited in claims 22-38. The Applicant there fore requests that these claims be allowed.

#### Allowable subject matter

The Examiner states that claims 2, 12 and 13 are objected to as being dependent upon a rejected base claim, but that these claims would be allowable if rewritten in independent form, including the limitations of the base and intervening claims. The Applicant has rewritten claims 2 and 12 in independent form, including the limitations of the base and intervening claims. The Applicant therefore believes these claims are allowable. Because claim 13 depends from allowable claim 12, it is believed to be allowable as well. The Applicant therefore respectfully requests that the objection to claims 2, 12 and 13 be withdrawn and the claims allowed.

#### Conclusion

The Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action.

For at least the foregoing reasons, the Applicant respectfully requests allowance of all claims pending in the application. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

If any extensions of time are necessary to prevent the above referenced application from becoming abandoned, the Applicant hereby petitions for such extensions. If any fees are inadvertently omitted, or if any additional fees are required, or if any amounts have been

overpaid, please appropriately charge or credit those fees to Deposit Account No. 50-3085 of the Law Offices of Mark L. Berrier.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Berrier', with a long horizontal flourish extending to the right.

Mark L. Berrier  
Reg. No. 35,066

Dated: 4/23/08

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